

CAPTION SHEET

CASE MANAGEMENT SYSTEM

- 1. REPORT DATE: 00/00/00 :
- 2. BUREAU: TAS :
- 3. SECTION(S) : :
- 5. APPROVED BY: : 4. PUBLIC MEETING DATE:
- DIRECTOR: : 00/00/00
- SUPERVISOR: : :
- 6. PERSON IN CHARGE: DEIBERT : 7. DATE FILED: 07/10/03
- 8. DOCKET NO: A-00095123C0301 : 9. EFFECTIVE DATE: 00/00/00

PARTY/COMPLAINANT: TRANSPORTATION & SAFETY, BUREAU OF

RESPONDENT/APPLICANT: STEARLY'S MOTOR FREIGHT, INC.

COMP/APP COUNTY:

UTILITY CODE: 850240

ALLEGATION OR SUBJECT

FAILED TO MAINTAIN EVIDENCE OF BODILY INJURY AND PROPERTY DAMAGE LIABILITY INSURANCE.

**DOCKETED**  
JUL 24 2003

**DOCUMENT  
FOLDER**

COMMONWEALTH OF PENNSYLVANIA  
PENNSYLVANIA PUBLIC UTILITY COMMISSION  
P.O. BOX 3265, HARRISBURG, PA 17105-3265

IN REPLY PLEASE REFER  
TO OUR FILE  
A-00095123C0301

Date of Service: JULY 25, 2003

STEARLY'S MOTOR FREIGHT, INC.  
P.O. BOX 26450  
COLLEGEVILLE PA 19426

PENNSYLVANIA PUBLIC UTILITY COMMISSION, BUREAU OF  
TRANSPORTATION AND SAFETY

v.

STEARLY'S MOTOR FREIGHT, INC.

Dear Sir/Madam:

This is to advise that the attached complaint has been filed against you by the Prosecutory Staff of the Bureau of Transportation and Safety.

Detailed instructions on how to proceed are contained in the **NOTICE TO PLEAD**. You are advised to read them carefully.

If you have any questions, contact the complainant at the telephone number shown on the complaint.

Very truly yours,

*James J. McNulty*

James J. McNulty  
Secretary

**DOCKETED**

JUL 24 2003

**DOCUMENT  
FOLDER**

Attachment

JH

ORIGINAL

BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION

PENNSYLVANIA PUBLIC UTILITY  
COMMISSION, BUREAU OF TRANSPORTATION  
AND SAFETY

v.

STEARLY'S MOTOR FREIGHT, INC.

DOCKET NO. A-00095123C 0301  
Fs. 1, 2 and 3

COMPLAINT

The Pennsylvania Public Utility Commission (Commission) is a duly constituted agency of the Commonwealth of Pennsylvania empowered to regulate public utilities within the Commonwealth. The Commission has delegated its authority to initiate proceedings which are prosecutory in nature to the Bureau of Transportation and Safety and other bureaus with enforcement responsibilities. Pursuant to that delegated authority and Section 701 of the Public Utility Code, the Bureau of Transportation and Safety Prosecutory Staff hereby represents as follows:

1. That Stearly's Motor Freight, Inc., respondent, maintains a principal place of business at P. O. Box 26450, Collegeville, PA 19426
2. That respondent was issued Certificates of Public Convenience by this Commission at A-00095123, Fs. 1, 2 and 3.
3. That respondent has failed to maintain evidence of bodily injury and property damage liability insurance on file with this Commission.
4. That respondent, by failing to maintain evidence of insurance on file with this Commission, violated 66 Pa. C.S. §512, 52 Pa. Code §32.2(c), and 52 Pa. Code §32.11(a), §32.12(a) or §32.13(a).

WHEREFORE, unless respondent causes its insurer to file evidence of insurance with this Commission within twenty (20) days of the date of service of this Complaint, the Bureau of Transportation and Safety Prosecutory Staff hereby requests that the Commission issue a Secretarial Letter which (1) cancels the Certificates of Public Convenience held by respondent at Docket No. A-00118948, Fs. 1, 2 and 3, for failure to maintain evidence of current insurance on file with the Commission, (2) orders such other remedy as the Commission may deem to be appropriate, which may include a fine and the suspension of a vehicle registration and (3) imposes an additional fine on the respondent.

Respectfully submitted,

*Michael E. Hoffman*

Michael E. Hoffman, Director  
Bureau of Transportation and Safety  
P.O. Box 3265  
Harrisburg, PA 17105-3265

DOCUMENT  
FOLDER

FILED  
JUL 24 2003

SECRETARY'S BUREAU

2003 JUL 10 PM 2:36

RECEIVED

VERIFICATION

I, Michael E. Hoffman, hereby state that the facts above set forth are true and correct to the best of my knowledge, information and belief and that I expect to be able to prove the same at any hearing held in this matter. I understand that the statements herein are made subject to the penalties of 18 Pa. C.S. §4904 relating to unsworn falsification to authorities.

Date: \_\_\_\_\_

7/9/03

  
Michael E. Hoffman

NOTICE

A. You must file an answer within twenty days of the date of service of this Complaint. The date of service is the mailing date as indicated at the top of the Secretarial cover letter for this complaint and notice, 52 Pa. Code §1.56(a). The answer shall raise all factual and legal arguments that you wish to claim in your defense and must include the reference number of this Complaint. Your answer must be verified and the original and three copies sent to:

James J. McNulty, Secretary  
Pennsylvania Public Utility Commission  
P.O. Box 3265  
Harrisburg, PA 17105-3265

B. If you fail to answer this complaint within twenty days of the date of service, the Bureau of Transportation and Safety will request that the Commission issue a Secretarial Letter imposing a penalty. Pursuant to 66 Pa. C.S. §3301(a), the penalty could include a fine of up to \$1,000 for each violation, the revocation of your Certificate of Public Convenience, Contract Carrier Permit, or Brokerage license, or any other remedy as may be appropriate. Each day you continue to violate any regulation, direction, requirement, determination or order of the Commission is a separate and distinct offense, subject to additional penalties.

C. You may elect not to contest this Complaint by causing your insurer to file proper evidence of current insurance in accordance with the Commission's regulations within twenty days of the date of service of this Complaint. The proof of insurance must be filed with the Secretary of the Commission at the address set forth in Paragraph A. Upon receipt of the evidence of insurance from your insurer, the complaint proceeding shall be closed. **ACORD CERTIFICATES OF INSURANCE ARE UNACCEPTABLE AS EVIDENCE OF INSURANCE.**

D. If you file an answer which either admits or fails to deny the allegations of the complaint, the Bureau of Transportation and Safety will request that the Commission enter an order imposing a penalty (see Paragraph B). Should the Commission cancel your Certificate of Public Convenience, it may also impose an additional fine of up to \$1,000.

E. If you file an answer which contests the complaint, the matter will be assigned to an Administrative Law Judge for hearing and decision. The judge is not bound by the optional penalty set forth in Paragraph B.

F. Alternative formats of this material are available, for persons with disabilities, by contacting the Insurance/Filing Unit at (717) 783-5933.

2. Article Number



7160 3901 9843 0201 2590

3. Service Type **CERTIFIED MAIL**

4. Restricted Delivery? (Extra Fee) Yes

1. Article Addressed to:

A-00095123 C0301  
FC  
Stanly's Motor Freight,  
Inc.

**COMPLETE THIS SECTION ON DELIVERY**

A. Received by (Please Print Clearly)

MARIE DILLIPANE

B. Date of Delivery

7-28-03

C. Signature

*Marie Dillipane*

Agent  
 Addressee

D. Is delivery address different from item 1?  
If YES, enter delivery address below:

Yes  
 No

RJP

R & Co.

Roehrs & Company, Inc.

ORIGINAL

Insurance • Risk Management • Employee Benefits

Telephone:  
(610) 363-7999  
Fax: 610-363-5231  
E-Mail: info@roehrs.com

Since 1923

736 Springdale Dr.  
P.O. Box 100  
Exton, PA 19341-0100

7/28/2003

BTL

Mr. James J. McNulty, Secretary  
Pennsylvania Public Utility Commission  
P.O. Box 3265  
Harrisburg, PA 17105-3265

SECRETARY'S BUREAU

2003 JUL 30 AM 9:06

RECEIVED

Re: Stearly's Motor Freight, Inc.  
File # A-00095123C0301


Dear Mr. McNulty:

Enclosed please find three original Certificates of Insurance evidencing bodily injury and property damage (General Liability) coverage in effect 6/15/03 for the above captioned. You will also note the original date of issuance in the upper right hand corner. This evidence of coverage was sent to your office soon after Stearly's renewed the coverages over a month ago.

Furthermore also enclosed are three original Certificates of Insurance evidencing Auto Liability in effect since January for Stearly's. These certificates were issued and sent to your office in February of this year.

If you should need anything further, please let me know.

Sincerely,

  
Beth Scherer  
Account Manager

C: Mrs. Laura Stearly – Stearly's Motor Freight, Inc. (via fax only 610-489-3470)

enclosures

DOCUMENT  
FOLDER

DOCKETED

AUG 06 2003

13

# ACORD CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YY)  
06/16/2003

PRODUCER (610) 363-7999 FAX (610) 363-5231  
 Roehrs & Company Inc.  
 P.O. Box 100  
 736 Springdale Drive  
 Exton, PA 19341-0100

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW.

### INSURERS AFFORDING COVERAGE

INSURED Stearly's Motor Freight, Inc.  
 Montgomery Truck Rental, Inc.  
 Main Street & First Avenue  
 P.O. Box 26450  
 Trappe, PA 19426

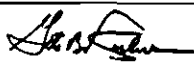
INSURER A: Nautilus ( Interstate Ins. Mgmt.)  
 INSURER B: AIG Companies - Parsippany NAIC 26883  
 INSURER C: St. Paul NAIC 24767  
 INSURER D:  
 INSURER E:

### COVERAGES

THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. AGGREGATE LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	POLICY NUMBER	POLICY EFFECTIVE DATE (MM/DD/YY)	POLICY EXPIRATION DATE (MM/DD/YY)	LIMITS	
A	GENERAL LIABILITY	NC264695	06/15/2003	05/31/2004	EACH OCCURRENCE	\$ 1,000,000
	<input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY				FIRE DAMAGE (Any one fire)	\$ 100,000
	<input type="checkbox"/> CLAIMS MADE <input checked="" type="checkbox"/> OCCUR				MED EXP (Any one person)	\$ Excl.
					PERSONAL & ADV INJURY	\$ 1,000,000
					GENERAL AGGREGATE	\$ 2,000,000
					PRODUCTS - COMP/OP AGG	\$ 1,000,000
					GEN'L AGGREGATE LIMIT APPLIES PER: <input type="checkbox"/> POLICY <input type="checkbox"/> PRO-JECT <input type="checkbox"/> LOC	
	AUTOMOBILE LIABILITY				COMBINED SINGLE LIMIT (Ea accident)	\$
	<input type="checkbox"/> ANY AUTO				BODILY INJURY (Per person)	\$
	<input type="checkbox"/> ALL OWNED AUTOS				BODILY INJURY (Per accident)	\$
	<input type="checkbox"/> SCHEDULED AUTOS				PROPERTY DAMAGE (Per accident)	\$
	<input type="checkbox"/> HIRED AUTOS					
	GARAGE LIABILITY				AUTO ONLY - EA ACCIDENT	\$
	<input type="checkbox"/> ANY AUTO				OTHER THAN EA ACC	\$
					AUTO ONLY: AGG	\$
	EXCESS LIABILITY				EACH OCCURRENCE	\$
	<input type="checkbox"/> OCCUR <input type="checkbox"/> CLAIMS MADE				AGGREGATE	\$
	<input type="checkbox"/> DEDUCTIBLE					\$
	<input type="checkbox"/> RETENTION \$					\$
						\$
B	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY	6251194	12/14/2002	12/14/2003	<input checked="" type="checkbox"/> WC STATU-TORY LIMITS <input type="checkbox"/> OTR-ER	
					E.L. EACH ACCIDENT	\$ 500,000
					E.L. DISEASE - EA EMPLOYEE	\$ 500,000
					E.L. DISEASE - POLICY LIMIT	\$ 500,000
C	OTHER Motor Truck Cargo	IM06401261	05/31/2003	05/31/2004	\$300,000 Limit; \$7.500 Ded.	

DESCRIPTION OF OPERATIONS/LOCATIONS/VEHICLES/EXCLUSIONS ADDED BY ENDORSEMENT/SPECIAL PROVISIONS

<p>CERTIFICATE HOLDER</p> <p>Commonwealth of Pennsylvania                  PA Public Utility Commission                  P.O. Box 3265                  Harrisburg, PA 17105</p>	<p>ADDITIONAL INSURED; INSURER LETTER</p> <p>CANCELLATION</p> <p>SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, THE ISSUING COMPANY WILL ENDEAVOR TO MAIL <u>30</u> DAYS WRITTEN NOTICE TO THE CERTIFICATE HOLDER NAMED TO THE LEFT, BUT FAILURE TO MAIL SUCH NOTICE SHALL IMPOSE NO OBLIGATION OR LIABILITY OF ANY KIND UPON THE COMPANY, ITS AGENTS OR REPRESENTATIVES.</p> <p>AUTHORIZED REPRESENTATIVE                  Giles B. Roehrs/KFB </p>
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## **IMPORTANT**

If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must be endorsed. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

## **DISCLAIMER**

The Certificate of Insurance on the reverse side of this form does not constitute a contract between the issuing insurer(s), authorized representative or producer, and the certificate holder, nor does it affirmatively or negatively amend, extend or alter the coverage afforded by the policies listed thereon.



I N T E R  
O F F I C E

# MEMO

10-22-03

**Subject:** Request for Closure of Insurance Complaints.

**To:** Wanda Zeiders, Supervisor  
Document Management  
Secretary's Bureau

DOCUMENT  
FOLDER

**From:** Tim Zeigler, Manager  
Compliance Office  
Bureau of Transportation and Safety

Since the respondent(s) listed has/have satisfied the complaint by filing acceptable evidence of insurance, please mark the record "Closed" in the following complaint proceedings:

Complaint Number	Name
A-00095123C0301	STEARLY'S MOTOR FREIGHT INC

DOCKETED  
OCT 28 2003

RJT

END